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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,961	03/12/2001	Toyokazu Sugai	1163-0329P	2653
2292	7590	02/27/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/802,961	<b>Applicant(s)</b> SUGAI ET AL.	
	<b>Examiner</b> Hai Tran	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Reopened Prosecution***

In view of the pre-Appeal brief filed on 11/01/2005, PROSECUTION IS HEREBY REOPENED. A new Office Action is set forth below in view of Applicant self-admitted prior art (see applicant Specification pages 1-2).

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

**GRANT CHRISTOPHER C.**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1-2 and 18-19 are rejected under 35 U.S.C. 102(a) as being clearly anticipate by Admitted Prior Art (Applicant Specification pages 1-2).

Claim 1, Admitted Prior Art clearly anticipates an electronic program guide providing device (Applicant Specification pages 1-2) comprising:

an editing means for editing electronic program information;

an electronic program information storage means for storing the electronic program information edited by said editing means;

a table generation means for generating an electronic program guide table by using the electronic program information stored in said electronic program information storage means, said device providing the generated electronic program guide table, the EPG table having a 1<sup>st</sup> table events, and at least a 2<sup>nd</sup> table events occurring at different times or in different content from the events in the 1<sup>st</sup> table

When updating the electronic program information stored in said electronic program information storage means, said editing means generating update information on the updating of the electronic program information; and

Said table generation means updating the electronic program guide table based on said update information generated by said editing means by using the electronic program information stored in said electronic program information storage means; wherein the 1<sup>st</sup> table of events is separately regenerated at a time or in content different from the second table of events

Claim 2, Self-admitted prior art clearly anticipates further wherein said device further includes an update information storage means for storing the update information generated by said editing means, and wherein, when updating the electronic program information stored in said electronic program information storage means, said editing means stores the update information on the updating of the electronic program information in said update information storage means, and said table generation means generates the electronic program guide table based on the update information stored in said update information storage means by using the

electronic program information stored in said electronic program information storage means.

Claims 18 and 19, limitation "wherein said table generation means provides the generated electronic program guide table at predetermined intervals, and, when updating the electronic program guide table, provides the electronic program guide table updated at the same time that it updates the electronic program guide table" is clearly anticipated by Admitted Prior Art.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (Applicant Specification pages 1-2) in view of Thomas et al. (US 5666654).

Claims 3 and 4, Admitted prior art clearly discloses wherein said electronic program guide table consists of a plurality of electronic program information tables each of which corresponds to the type of electronic program information included therein, and said table generation means determines which electronic program

information table has to be updated based on the update information on the updating of the electronic program information.

Admitted prior Art does not clearly disclose electronic program information table has to be updated only one or more electronic program information tables that need to be updated

Thomas, in a similar art, discloses electronic program information table has to be updated only one or more electronic program information tables that need to be updated (Col. 5, lines 60-Col. 6, lines 62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admitted Prior Art to update only tables that only need to be updated, as taught by Thomas, so to minimize the number of processing/transaction of the process within the system, as suggested by Thomas (Col. 6, lines 27-29).

Claims 5 and 6, Admitted Prior Art in view of Thomas (Col. 7, lines 3-65+ and Col. 8, lines 47-65+) further discloses wherein said table generation means updates only one or more electronic program information tables that need to be updated at predetermined intervals.

Claims 7 and 8, Admitted Prior Art in view of Thomas further discloses "wherein said table generation means sets the length of predetermined intervals at which only one or more electronic program information tables that need to be

updated are updated according to a sending frequency of an electronic program information table with the largest sending frequency” is met by Thomas (Col. 9, lines 19-37) because the updating process according to the largest sending frequency would also update the EPG information tables that have the smallest sending frequency.

Claims 9 and 10, Admitted Prior Art in view of Thomas “wherein said table generation means sets the length of predetermined intervals at which each of one or more electronic program information tables that need to be updated is updated according to a sending frequency of each of the one or more electronic program information tables” is further met by Admitted Prior Art and further met by Thomas (Col. 9, lines 50-Col. 10, lines 5).

Claim 11, Admitted Prior Art does not clearly disclose a plurality of editing means, and each of said plurality of editing means inspects update information generated by any other editing means stored in said update information storage means.

Thomas discloses wherein said device includes a plurality of editing means (Fig. 4), and each of said plurality of editing means inspects update information generated by any other editing means stored in said update information storage means (Col. 7, lines 54-Col. 8, lines 46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admitted Prior Art to have the updated information to be cross-verification process by every

step of different editing process/module, as taught by Thomas so to reduce errors and increasing accuracy of editing data during the updating process (Thomas, Col. 8, lines 36-45).

Claim 12, Admitted Prior Art does not clearly disclose wherein said update information storage means stores histories of the update information generated by said editing means, and said editing means restores the electronic program information stored in said electronic program information storage means to the state it was prior to any updating done by said editing means with reference to the histories of the update information stored in said update information storage means If necessary.

Thomas discloses wherein said update information storage means stores histories of the update information generated by said editing means, and said editing means restores the electronic program information stored in said electronic program information storage means to the state it was prior to any updating done by said editing means with reference to the histories of the update information stored in said update information storage means If necessary (Fig. 8; Col. 8, lines 9-46 and Col. 12, lines 28-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admitted Prior Art with the teaching of Thomas so the system able to roll-back to the previous state in case there is some interruption during the process of updating, i.e., data corrupted due to power



outage, for safe recovery and the updating process is able to restart over from the previous state without losing all the data.

Claims 13, 14 and 15 are analyzed with respect to claim 12.

Claim 17, Admitted prior Art does not clearly disclose wherein said device includes a plurality of table generation means for generating the electronic program guide table while sharing a load of generating the electronic program guide table.

Thomas further discloses wherein said device includes a plurality of table generation means (Fig. 1, el. 40) for generating the electronic program guide table while sharing a load of generating the electronic program guide table (Col. 8, lines 47-Col. 10, lines 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admitted Prior Art to have a plurality of table generation means, as taught by Thomas, so the process of generating is more efficient because each table could be generated by each dedicated "generating mean".

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
02/16/2006



**HAI-TRAN**  
**PRIMARY EXAMINER**



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